

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STEELCASE, INC. a Michigan
corporation,

Plaintiff,

Case No.: 1:04cv0026
Hon. Robert Holmes Bell
Chief, U. S. District Judge

v

HARBIN'S INC., an Alabama
corporation, MICHAEL G. HARBIN
and HOPE D. HARBIN PATTERSON (now
HOPE DUNCAN PATTERSON),

Defendants.

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CUMMISKEY, P. L. C.
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**MOTION TO STRIKE PLAINTIFF STEELCASE, INC.'S REPLY BRIEF
IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT
ON PLAINTIFF'S CLAIM OF PIERCING THE CORPORATE VEIL**

Defendant Michael G. Harbin ("Harbin"), by and through his attorneys SILVERMAN, SMITH & RICE, P.C., move to strike Plaintiff Steelcase, Inc.'s ("Steelcase") Reply Brief in Support of its Motion for Summary Judgment on Plaintiff's Claim of Piercing the Corporate Veil, and in support of his motion says:

1. On June 28, 2005, Harbin filed his Brief in Response to Plaintiff Steelcase, Inc.'s Motion for Summary Judgment on Plaintiff's Claim of Piercing the Corporate Veil.
2. On July 13, 2005, Steelcase filed its Reply Brief in Support of its Motion for Summary Judgment on Plaintiff's Claim of Piercing the Corporate Veil ("Reply Brief").
3. Local Civil Rule 7.2(c) provides that the moving party may **within 14 days after service of the response** file a reply brief. Steelcase's Reply Brief is untimely and should be stricken under Fed. R. Civ. Proc. 12(f) as immaterial and impertinent.
4. Alternatively, Harbin moves to strike the portion of Steelcase's Reply Brief entitled "Procedural Status of the Motion" wherein Steelcase points out to the Court that during oral arguments of Harbin's Motion for Summary Judgment pursuant to the piercing claim, on June 17, 2005, Steelcase's counsel attempted to argue the merits of its own motion for summary judgment on the piercing claim. This argument was entirely improper inasmuch as Steelcase's Motion for Summary Judgment on Plaintiff's Claim of Piercing the Corporate Veil was not properly before the Court for the reasons set forth in the attached brief.

Wherefore, Harbin requests this Court strike Steelcase's Reply Brief, or alternatively, that the section of its brief dealing with the "Procedural Status of the Motion", be stricken.

Dated: July 19, 2005

SILVERMAN, SMITH & RICE, P.C.
Attorneys for Defendant Michael G. Harbin

/s/ Robert W. Smith

Robert W. Smith (P31192)